

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

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UNITED STATES OF AMERICA,

CR 18-40001

Plaintiff,

EX PARTE MOTION FOR ARREST  
WARRANT AND TO REVOKE  
RELEASE PENDING SENTENCE

vs.

TOBIAS RITESMAN,

Defendant.

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The United States of America, pursuant to 18 U.S.C. § 3148(b), moves the Court for an order for the issuance of an arrest warrant and to revoke Defendant's release pending sentence on the grounds and for the reasons that the Defendant is not in compliance with the Court's Order Setting Conditions of Release, dated January 10, 2018 (Doc. 11), in that the Defendant has violated conditions 9 and 10 of said Order.

Condition 9 states that “[t]he defendant shall not contact co-defendant Burns, any alleged victim(s) and or witness(es).” Condition 10 states that “[t]he defendant shall comply with requirements to obtain and maintain employment that is not self-employment.”

The Government recently learned that the Defendant has had repeated contacts with J.B., one of the victims of the Defendant's scheme, after the Court's Order Setting Conditions of Release was entered on January 10, 2018. After said Order was entered, the Defendant told J.B. that the Defendant was not supposed to contact anyone “on the investor list.” However, the Defendant has contacted J.B. several times since then, and has asked J.B. for money on more than one occasion.

In approximately January/February 2019, the Defendant asked to meet with J.B. At that meeting, the Defendant told J.B. that he was writing a book,

but his name would not appear on it because he was not supposed to be self-employed. The Defendant told J.B. that he had a \$50,000 advance coming soon, but he needed a \$3,000 loan to pay his rent. J.B. refused to give the Defendant money.

Shortly after this meeting, the Defendant contacted J.B. for another meeting. The Defendant told J.B. that his heat had been cut off, and that he needed \$175 to cover it. J.B. gave the Defendant the money, and the Defendant promised to repay J.B. by February 20, 2019. The Defendant did not pay J.B. back.

On April 26, 2019, the Defendant and J.B. exchanged a series of messages. At one point, the Defendant wrote, “Talk soon brother. Please delete to. Not sure who I can talk to and don’t want to wait in jail for sentencing.”

The Defendant most recently contacted J.B. on approximately June 11, 2019. The Defendant texted a link to J.B., and then called J.B. and said, “I am not sure who I am supposed to be contacting but I don’t care anymore. I told you the book I was writing was coming out.” The link is to a Kickstarter fundraising page for a book entitled: “The Savage Soul: A Book for the Warfare of Life.” The Kickstarter page for this purported book was created by “Innovative Authors Group, LLC,” which is an entity established by the Defendant’s self-reported girlfriend, Tara Bohms.

Dated and electronically filed this 14th day of June, 2019.

RONALD A. PARSONS, JR.  
United States Attorney

/s/ Ann M. Hoffman

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UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

UNITED STATES OF AMERICA,

4:18-CR-40001-01-KES

Plaintiff,

vs.

ORDER SETTING  
CONDITIONS OF RELEASE

TOBIAS RITESMAN,

Defendant.

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state, local, or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel, and the U.S. Attorney in writing of any change in address or telephone number.
- (3) The defendant shall maintain regular contact with his counsel and promptly respond to any inquiries from counsel.
- (4) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.
- (5) The defendant shall cooperate in the collection of a DNA sample if the collection is authorized by 34 U.S.C. § 40702.
- (6) The defendant shall report to pretrial services as directed.
- (7) The defendant shall not travel out of South Dakota without prior permission from pretrial services.
- (8) The defendant shall surrender any passport(s) and not obtain a new passport.
- (9) The defendant shall not contact any alleged victim(s) and or witness(es).

Codefendant Burns,

✓LD

- (10) The defendant shall comply with requirements to obtain and maintain employment that is not self-employment.
- (11) The defendant shall release any requested financial records to pretrial services during the term of supervision.

#### **Advice of Penalties and Sanctions**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

#### **Acknowledgment of Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

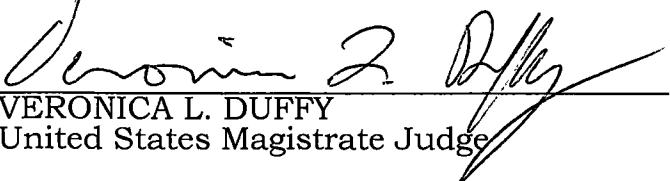
**Directions to United States Marshal**

(X) The defendant is ORDERED released after processing.

( ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

DATED this 10th day of January, 2018.

BY THE COURT:

  
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VERONICA L. DUFFY  
United States Magistrate Judge